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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary D. HODGEN

Examiner: Michael G. HARTLEY

Serial No.: 08/462,703

Group Art Unit: 1618

Filed: June 5, 1995

Title: ANTIPROGESTIN METHOD AND KIT FOR REDUCING SIDE EFFECTS  
ASSOCIATED WITH LOW DOSAGE HRT, ORAL CNTRACEPTION AND  
REGULATING MENSES

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(b)**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The fee amount of \$200 under 37 CFR §1.17(g) is in the attached check.

Being filed today is an accompanying petition seeking to have the PTO provide applicants the requisite notice and time period under 37 CFR §1.129(b)(2). This extension of time is being requested in order to provide applicants time to receive a decision on the petition prior to having to respond to the PTO's office action of December 6, 2005.

The reasons justifying this request are believed set forth in the accompanying petition to the director. In essence, if applicants were forced to make a decision on whether to seek an interference pursuant to the office action of December 6, 2005, they would have to do so without knowing whether the PTO will provide the opportunity for applicants to pursue in the current application, examination of independent and distinct invention(s), as is their right under section 129 of the rules. Whether such examination of such additional claims will be permitted by the

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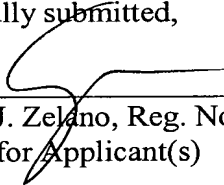
PTO will be a factor in applicant's decision whether to suggest the interference pursuant to the outstanding office action.

If the office does not grant this extension of time, in order to preserve its rights, applicants may well be forced to file a suggestion for interference which would, in turn, cause the PTO additional work which it might have avoided had applicants been given the benefit of a decision on the petition prior to responding to the recent office action.

Under the current circumstances, it is respectfully submitted that the most expeditious way for all concerned is for the PTO to decide the accompanying petition as quickly as possible and extend the response date for the outstanding office action to expire one month from said decision.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Anthony J. Zelano, Reg. No. 27,969  
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Attorney Docket No.: SCH-1309-C03

Date: December 28, 2005

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